



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
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Press Release

FOR IMMEDIATE RELEASE

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AG McGraw Files Petition to Find Mason Funeral Home In Contempt of Court; Director Fails to Make Payment

CHARLESTON, WV – West Virginia Attorney General Darrell McGraw filed a petition today asking the Circuit Court of Mason County to find the owners of a Mason, West Virginia, funeral home in contempt, after they failed to meet a court-ordered deadline to pay back funds they had misappropriated from consumers. The Petition alleges that Mr. Blue, Inc., d/b/a Foglesong Tucker Funeral Home ("Foglesong Tucker"), and its officers, Jerry W. Tucker and Ray A. Tucker, were required to make their first payment of \$140,000.00 by June 3, 2010, but the deadline passed without a single dollar being paid.

In September of 2009, McGraw's office began investigating Foglesong Tucker after the funeral home failed to renew its license to sell preneed funeral contracts ("preneed contracts"). Any funeral home which accepts advance payments from consumers must obtain a special certificate of authority from the Attorney General's Preneed Funeral Services Division for the sale of preneed contracts. All advance payments must be disclosed to the Division, and funeral homes are required to deposit the money in special accounts for safekeeping until the consumer's time of need.

McGraw's office discovered that Foglesong Tucker had misappropriated several consumers' preneed contract funds, and filed suit in January to obtain refunds for consumers and forever ban the funeral home from selling preneed contracts in the State of West Virginia. After filing the suit, more consumers came forward to inquire about their advance payments, revealing that Foglesong Tucker had misappropriated over \$151,000.00 from area residents over a period of several years.

On April 23, 2010, McGraw's office obtained a settlement from Foglesong Tucker under which its owners agreed to pay \$175,000.00 in refunds. This amount represents the total funds misappropriated, plus approximately 5% in interest to help consumers recover the full amount their accounts would be worth today if their money had not been stolen. By Order of the circuit court, the first payment of \$140,000.00 was due by the close of business on June 3, 2010, but today's petition alleges that Foglesong Tucker has not paid a single dollar. According to the petition, the funeral director has consistently failed to put forth sufficient effort to repay consumers, and failed to meet the deadline despite winning a \$100,000.00 fortune recently at the Kentucky Derby. The petition also alleges that Foglesong Tucker has failed to abide by the Court's Order requiring disclosure of all preneed contract deposits received from consumers over the years.

The petition asks the Court to hold the funeral home's owners in contempt, and requests that they be ordered to pay fines or be incarcerated until they produce a full list of all preneed contract deposits by consumers, as well as make all payments mandated in the Court's Order.

Any person suspecting that Foglesong Tucker Funeral Home may have mishandled their advance payments should contact the Attorney General's Consumer Hotline at (800) 368-8808 or (304) 558-8986.

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